

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

JAMES GREGORY LYNN, #636695	§	
VS.	§	CIVIL ACTION NO. 6:07cv253
VIRGINIA BUCHANAN, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff James Gregory Lynn, a prisoner previously confined at the Michael Unit of the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered lawsuit pursuant to 42 U.S.C. § 1983. The lawsuit was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the complaint should be dismissed pursuant to the “three strikes” provisions of 28 U.S.C. § 1915(g). The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the Plaintiff are without merit.

The Plaintiff alleged in his objections that he is under threat of imminent bodily injury in an effort to trigger the exception to § 1915(g). However, his complaint involved matters that occurred at the Michael Unit. He is currently assigned to the Estelle Unit in Walker County, Texas. To the extent that he may be under threat of imminent bodily injury at this time, he may have a basis for filing a lawsuit in the Southern District of Texas, where he is presently incarcerated. But his complaint about

not receiving Tylenol #3 and not having a front handcuff pass while confined at the Michael Unit does not trigger the exception to § 1915(g). The objections lack merit, therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the complaint is **DISMISSED** with prejudice for purposes of *in forma pauperis* proceedings pursuant to 28 U.S.C. § 1915(g). The Plaintiff may proceed with the lawsuit if he pays the entire filing fee of \$350 within thirty days from the entry of this Order. *See Carson v. Johnson*, 112 F.3d 818, 823 (5th Cir. 1997). It is finally

**ORDERED** that all motions by either party not previously ruled on are hereby **DENIED**.

**So ORDERED and SIGNED this 22nd day of August, 2007.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**